

09-21-04

IPW
P

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Ashby, et al.

Docket No.

15499.443.5

Application No.

10/821,566

Filing Date

April 9, 2004

SEP 20 2004

Examiner

Unknown

Customer No.

22,913

Group Art Unit

3637

Invention: TABLE

I hereby certify that the following correspondence:

Transmittal Letter (1 pg.); Petition to Correct Inventorship (2 pgs.); Certificate Under 37 C.F.R. 3.73b(2 pgs.); Statement of Inventor Being Added (1 pg.); Consent of Assignee to Correct Inventorship (1 pg.); Recordation of Assignment Cover Sheet (1 pg.); Assignment (6 pgs.); Declaration (4 pgs.); PTO 2038 Credit Card Form (1 pg.); Certificate of Express Mail (1 pg.); and Postcard

(Identify type of correspondence)

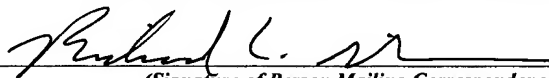
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 20, 2004

(Date)

RICHARD C. GILMORE

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EV510 293 917 US

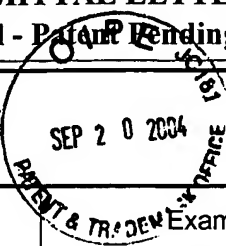
("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
15499.443.5

In Re Application Of: Ashby, et al.



Application No.
10/821,566

Filing Date
04/09/04

Examiner
Unknown

Customer No.
22,913

Group Art Unit
3637

Confirmation No.
1279

Title: **TABLE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is: Transmittal Letter (1 pg.);

Petition to Correct Inventorship (2 pgs.); Certificate Under 37 C.F.R. 3.73b(2 pgs.); Statement of Inventor Being Added (1 pg.); Consent of Assignee to Correct Inventorship (1 pg.); Recordation of Assignment Cover Sheet (1 pg.); Assignment (6 pgs.); Declaration (4 pgs.); PTO 2038 Credit Card Form (1 pg.); Certificate of Express Mail (1 pg.); and Postcard

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☒ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: September 20, 2004

RICHARD C. GILMORE
Reg. No. 37,335
Attorney for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] o.
(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



PATENT APPLICATION
Docket No. 15499.443.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ashby, et al.)	
)	
Assignee:	Lifetime Products, Inc.)	
)	
Serial No.:	10/821,566)	Art Unit
)	3637
Filed:	April 9, 2004)	
)	
For:	TABLE)	
)	
Confirmation No.:	1279)	
)	
Customer No.:	22,913)	

PETITION TO CORRECT INVENTORSHIP
UNDER 35 U.S.C. § 116 AND 37 C.F.R. § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee desires to correct inventorship of the above-identified United States patent application under 35 U.S.C. § 116 and 37 C.F.R. § 1.48(a). As set forth below, adding of the omitted inventor arose without any deceptive intention on the part of the omitted inventor and without any deceptive intention on the part of any identified inventors.

As set forth in 37 C.F.R. § 1.48(a), Assignee petitions to add the following named person as an inventor in the above-identified patent application:

Robert A. Astle
1068 West Turnberry Circle
Farmington, Utah 84025

09/22/2004 H8UTEMA1 00000018 10821566

01 FC:1460

130.00 0P

Application No. : 10/821,566
Filed : April 9, 2004

The error in omitting the above-identified person, hereby petitioned to be added, occurred without any deceptive intent on the part of the omitted inventor and without any deceptive intent on the part by the actual inventors. This statement is made by the attorney signing below.

Enclosed are:

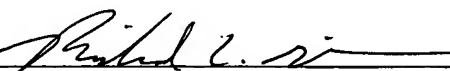
- X Statement from the above-identified person being added as an inventor that the error occurred without deceptive intention on his part.
- X A Declaration and Power of Attorney by the actual inventors.
- X Written Consent of Assignee to Correct Inventorship.
- X Certificate Under 37 C.F.R. §3.73(b).

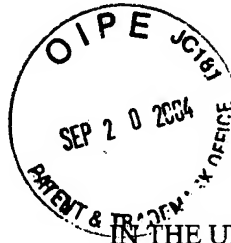
The fee for correction of inventorship of this patent application under 37 C.F.R. § 1.17(i) is \$130.00. Enclosed is PTO Credit Card Form 2038 to cover this fee. Please charge Deposit Account No. 23-3178 for any additional fees or credit any overpayment. A duplicate copy of this letter is enclosed.

Respectfully submitted,

WORKMAN NYDEGGER

Dated: 9-20-04

By: 
Richard C. Gilmore
Registration No. 37,335
Attorney of Record
Customer No.: 022913



PATENT APPLICATION
Docket No. 15499.443.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ashby, et al.)	
)	
Serial No.:	10/821,566)	Art Unit
)	3637
Filed:	April 9, 2004)	
)	
For:	TABLE)	
)	
Confirmation No.:	1279)	
)	
Customer No.:	22,913)	

STATEMENT OF INVENTOR BEING ADDED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Robert A. Astle, declare: that I am a citizen of the United States of America; that my residence and post office address is 1068 West Turnberry Circle, Farmington, Utah 84025; that the error of failing to include me as an inventor of the above-identified patent application, occurred without any deceptive intention on my part.

DATED this 30 day of August, 2004.



ROBERT A. ASTLE



PATENT APPLICATION
Docket No. 15499.443.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ashby, et al.)	
Serial No.:	10/821,566)	
Filed:	April 9, 2004)	Art Unit
For:	TABLE)	3637
Confirmation No.:	1279)	
Customer No.:	22,913)	

CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Lifetime Products, Inc., owner of the above-identified patent application by assignment, filed herewith in the United States Patent and Trademark Office, a copy of which is attached, hereby consents to the correction of the inventorship of this patent application as requested in the accompanying papers.

DATED this 30 day of August, 2004.

Signature: Mark E. Whitling
Name: Mark E. Whitling
Title: CEO
Lifetime Products, Inc.



PATENT APPLICATION
Docket No. 15499.443.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ashby, et al.)	
)	
Assignee:	Lifetime Products, Inc.)	
)	
Serial No.:	10/821,566)	Art Unit
)	3637
Filed:	April 9, 2004)	
)	
For:	TABLE)	
)	
Confirmation No.:	1279)	
)	
Customer No.:	22,913)	

CERTIFICATE UNDER 37 CFR 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Lifetime Products, Inc., a Utah Corporation having a place of business at Building D-11, Freeport Center, Clearfield, Utah 84016, in accordance with 37 CFR 3.73(b), certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of the chain of title from the inventors, of the patent application identified above, to the current assignee as shown below:

1. An assignment from the inventors Kent Ashby, S. Curtis Nye, David C. Winter and Robert Astle to Assignee Lifetime Products, Inc., a copy of which is attached. This assignment was submitted to the Assignment Division of the United States Patent and Trademark Office for recordation herewith.

Application No. : 10/821,566
Filed : April 9, 2004

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated: 9-20-04

By: 

Richard C. Gilmore, Reg. No. 37,335
Attorney of Record
Customer No. 022913

W:\15499\443.5\DFR0000006384V001.doc



WHEN RECORDED RETURN TO:

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

PATENT APPLICATION
Docket No: 15499.443.5

ASSIGNMENT

WE, KENT ASHBY of 1353 Canyon Road, Logan, UT 84321; S. CURTIS NYE of 2622 West 2375 North, Clinton, UT 84015; DAVID C. WINTER of 1956 East 2050 North, Layton, UT 84040, and ROBERT A. ASTLE of 1068 West Turnberry Circle, Farmington, Utah 84025, have invented a method and apparatus entitled TABLE, hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application executed concurrently herewith by us and now identified as File No. 15499.443.5 of the law firm of Workman Nydegger, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, and filed in the United States Patent and Trademark Office as Serial No. 10/821,566 on April 9, 2004.

The Assignee, Lifetime Products, Inc., a corporation of the State of Utah, having a principal place of business at Freeport Center, Building D-11, Clearfield, UT 84016, desires to secure the entire right, title and interest in said invention.

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which we hereby acknowledge, WE HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention and in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and Foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such application.

We hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behalf of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

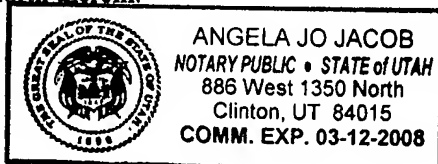
This assignment and agreement shall be binding upon our heirs and legal representatives.

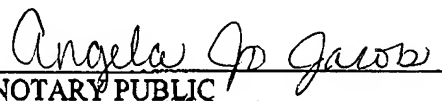
DATED this 30 day of August, 2004.


KENT ASHBY

STATE OF UTAH)
) : ss.
COUNTY OF Davis)

On August 30, 2004, before me personally appeared KENT ASHBY, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.




NOTARY PUBLIC
Residing at Clinton, Utah

My Commission Expires:

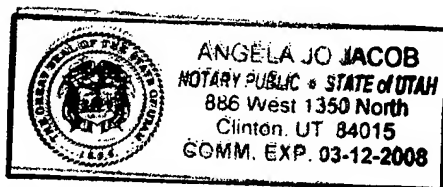
3/12/2008

DATED this 30 day of August 2004.

S. Curtis Nye
S. CURTIS NYE

STATE OF UTAH)
: ss.
COUNTY OF Davis)

On August 30, 2004, before me personally appeared S. CURTIS NYE, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.



Angela Jo Jacob
NOTARY PUBLIC
Residing at Clinton, Utah

My Commission Expires:

3/12/2008

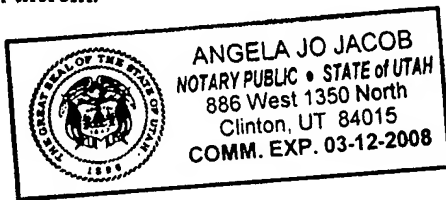
DATED this 30 day of August, 2004.




DAVID C. WINTER

STATE OF UTAH)
 : ss.
COUNTY OF Davis)

On August 30, 2004, before me personally appeared DAVID C. WINTER, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.





NOTARY PUBLIC
Residing at Clinton, Utah

My Commission Expires:

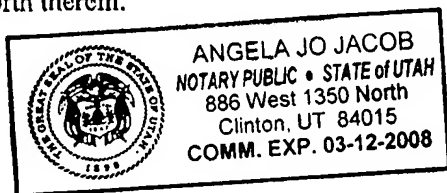
3/12/2008

DATED this 30 day of August, 2004.

Robert A. Astle
ROBERT A. ASTLE

STATE OF UTAH)
 : ss.
COUNTY OF Davis)

On August 30, 2004, before me personally appeared ROBERT A. ASTLE, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.



Angela Jo Jacob
NOTARY PUBLIC
Residing at Clinton, Utah

My Commission Expires:

3/12/2008



UNITED STATES PATENT APPLICATION
Attorney Docket No.: 15499.443.5

**COMBINED DECLARATION and POWER OF ATTORNEY
FOR UTILITY or DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

TABLE

SPECIFICATION IDENTIFICATION

The specification of which was previously filed on April 9, 2004 and assigned Serial No. 10/821,566.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claim(s), as amended by any amendment specifically referred to in the declaration, referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, including for continuation-in-part applications, material information that becomes available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**U.S. PRIORITY CLAIM
(35 USC § 120)**

I hereby claim the benefit under 35 USC § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America listed below, if any, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of title 35 USC § 112, I acknowledge duty to disclose information which is material to patentability as defined in title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international application filing date of this application.

U.S. Patent App.: 10/821,566
Filing Date: April 9, 2004

Docket No.: 15499.443.5

U.S. or PCT PATENT APPLICATION NO.	FILING DATE (month, day, year)	PARENT PATENT NO. (if applicable)
29/179,353	04/09/03	
29/179,374	04/09/03	

PROVISIONAL APPLICATION CLAIM
(35 USC § 119(e))

I hereby claim the benefit under 35 USC § 119(e) of any United States Provisional application listed below, if any.

U.S. PROVISIONAL PATENT APPLICATION NO.	FILING DATE (month, day, year)
60/461,492	04/09/03

POWER OF ATTORNEY

I hereby appoint as my attorneys and/or patent agents all attorneys and/or patent agents listed under the following Customer Number, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

022913 PATENT TRADEMARK OFFICE CUSTOMER NUMBER

U.S. Patent App.: 10/821,566
Filing Date: April 9, 2004

Docket No.: 15499.443.5

All correspondence and telephonic communications should be directed to:

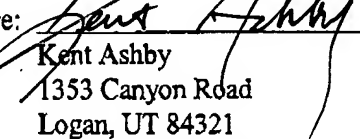
RICHARD C. GILMORE
Registration No. 37,335
Telephone (801) 533-9800
Facsimile (801) 328-1707

DECLARATION


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

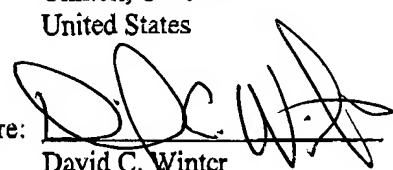
Date: 8-30-04


Inventor's Signature: 
Inventor's Name: Kent Ashby
Residence: 1353 Canyon Road
Logan, UT 84321
Mailing Address: 1353 Canyon Road
Logan, UT 84321
Citizenship: United States

Date: 8-30-2004

Inventor's Signature: 
Inventor's Name: S. Curtis Nye
Residence: 2622 West 2375 North
Clinton, UT 84015
Mailing Address: 2622 West 2375 North
Clinton, UT 84015
Citizenship: United States

Date: 8/30/04

Inventor's Signature: 
Inventor's Name: David C. Winter
Residence: 1956 East 2050 North
Layton, UT 84040
Mailing Address: 1956 East 2050 North
Layton, UT 84040
Citizenship: United States

U.S. Patent App.: 10/821,566**Docket No.: 15499.443.5****Filing Date: April 9, 2004**Date: 8/30/04Inventor's Signature: 

Inventor's Name: Robert A. Astle

Residence: 1068 West Turnberry Circle
Farmington, UT 84025Mailing Address: 1068 West Turnberry Circle
Farmington, UT 84025

Citizenship: United States

W:\15499\443.5\CLC0000005807V001.doc